



THE NAGALAND GAZETTE

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The Nagaland Municipal Election Rules, 2023

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NOTIFICATION**NO.MA-65/2016 ::****Dated Kohima, the 8th December 2023.**

In exercise of the powers conferred by Section 35 read with Section 59 of the Nagaland Municipal Act, 2023 (Act No. 9 of 2023), the State Government makes the following rules: -

The Nagaland Municipal Election Rules, 2023**PART I****Preliminary****1. Short title, extent and commencement:**

- (1) These rules may be called the Nagaland Municipal Election Rules, 2023.
- (2) These rules shall apply to all Municipalities governed by the Nagaland Municipal Act, 2023 (Act No. 9 of 2023).
- (3) These rules shall come into force on and from the date of their publication in the Official Gazette.

2. Definitions:

- (i) "Act" means the Nagaland Municipal Act, 2023 (Act No. 9 of 2023);
- (ii) "Agent" means any person appointed in writing by a candidate at an election to be agent for the purposes of these rules with the acceptance in writing by such person for an appointment;
- (iii) "Ballot Box" includes any box, bag or other receptacle for use for the insertion of ballot papers by electors;
- (iv) "Commission" means State Election Commission, Nagaland;
- (v) "Election" means an election of a member, Chairperson or Deputy Chairperson of a Municipality;
- (vi) Constituency means Ward, for the representation of which a member or members is or are to be or has or have been elected under these rules;
- (vii) "Elector" in relation to a Ward, means a person whose name is entered, in accordance with section 34 of the Act, in the Electoral Roll of that Constituency for the time being in force and who is not subject to any disqualification for voting;

- (viii) "Electoral Registration Officer" means the Officer designated or nominated under section 33 of the Act for the purposes of preparing Election Rolls for a particular Municipality;
- (ix) "Form" means a form appended to these rules and includes a manuscript or typewritten or cyclostyled copy thereof;
- (x) "Roll" means the Electoral Roll of persons entitled to vote at a Municipal election as provided under Section 35(1) of the Act and under these rules;
- (xi) "Section" means a section of the Act;
- (xii) "Treasury" means a Government Treasury or Sub Treasury or a Bank to which the Government treasury business has been made over;
- (xiii) "Municipality" includes Municipal Council, Town Council and Urban Station Committee as constituted under the Nagaland Municipal Act, 2023
- (xiv) "A municipality" not divided into wards shall be deemed to be a ward for the purposes of these rules;
- (xv) Words and Expressions used herein and not defined in these rules shall have the same meaning as are assigned to them in the Act.

PART II

Registration of Electors

3. Roll of Municipality:

The Rolls of each constituency of a Municipality shall be the Electoral Rolls prepared by the Electoral Registration Officer under these rules.

4. Disqualification for registration in a roll:

A person shall be disqualified for registration in roll if he

- (a) is not a citizen of India; or
- (b) is of unsound mind and stands so declared by a competent court; or
- (c) is for the time being disqualified for voting under the laws relating to corrupt practices and other offences in connection with election including Parliamentary and State Elections; and
- (d) is less than eighteen years of age on the qualifying date.

Explanation: - 'Qualifying date' in relation to the preparation or revision of electoral roll means the 1st day of January, of the year in which it is so prepared or revised.

5. Preparation of Electoral Rolls:

- (1) The Electoral Registration Officer Shall under the superintendence, direction and control of the State Election Commission, Nagaland cause to be prepared/revised rolls for each ward of the Municipality in accordance with these rules.
- (2) The Rolls shall be prepared in such form, in English and such other language as the State Election Commission, Nagaland may direct,
- (3) The Commission shall, in relation to the preparation or revision of rolls specify by a notification published in the official Gazette "the qualifying date" referred to in section 35(1) of the Act and shall in addition in the said notification specify, in the case of intensive revision, a programme regarding the period or date as the case may be on the following:
 - (a) Period for completion of enumeration and preparation of manuscript rolls;
 - (b) Date for completion of printing of Electorate Rolls;
 - (c) Date for publication of Draft Electoral Rolls;

- (d) Last date for filing of claims and objections which shall not be earlier than the tenth day and later than the thirtieth day of the date of publication of draft electoral rolls under clause (c) above;
- (e) Period for disposal of claims and objections;
- (f) Date for final publication of electoral rolls.

Provided that the Election Commission may, if it considers expedient so to do for sufficient reasons, extend the period for house to house enumeration, lodging of claims and objections, period for disposal of claims and may also make consequential changes with respect to the dates for draft and final publication of Electoral Rolls

- (4) The notification shall also be affixed in a conspicuous place of the office of the Deputy Commissioner of the District and such other place(s) as the Government may specify.
- (5) For the purpose of preparation of the Roll, the Electoral Registration Officer may send letters of request in Form I to the occupants of dwelling houses in the constituency or any part thereof; and every person receiving any such letter shall furnish the information called for therein to the best of his/her ability;
- (6) For the purpose of preparing any roll or deciding any claim or objection to a roll, any Registration Officer and any person employed by him shall have access to any register of births and deaths and to the admission register of any educational institution, and it shall be the duty of every person in charge of any such register to give to the said officer or person such information and such extracts from the said register as he may require.

6. Publication of Draft Roll:

- (1) As soon as the roll for a constituency is ready but not later than the date given in the program notified by the Commission, the Electoral Registration Officer shall publish it as a draft together with a notice in Form II, intimating the date by which claims or objections with regard to the roll may be presented to the Electoral Registration Officer or such other officer as may be authorised by him and specified therein.
- (2) A copy of roll of each constituency shall be affixed by the Electoral Registration Officer at the following places:
 - (i) At the office of the Electoral Registration Officer;
 - (ii) At the concerned municipal office(s);

(iii) At such other areas in the concerned Municipal area as he thinks fit.

He may further take steps in any other manner as he may think fit in order to give it wide publicity.

7. Manner of making and lodging Claims and Objections:

- (1) Every claim shall be
 - (a) in Form III;
 - (b) Signed by the person desiring his name to be included in the roll; and
 - (c) Countersigned by another person whose name is already included in the roll of the constituency in which the claimant desires his name to be included.
- (2) Every objection to the inclusion of a name in the roll shall be:
 - (a) in form IV (in duplicate),
 - (b) preferred only by a person whose name is already included in that roll; and
 - (c) countersigned by another person whose name is already included in the roll in which the name objected to appear.
- (3) Every objection to a particular or particulars in an entry in the roll shall be
 - (a) In form V; and
 - (b) preferred only by a person to whom that entry relates.
- (4) Every claim or objection shall be addressed to the Electorate Registration Officer and shall be presented to him or such other officer as may be authorised by him in this behalf, or be sent by registered post to him. Provided that any claim or objection, having been sent by registered post shall be rejected by the Electoral Registration Officer unless it is received by him on or before the last date specified for the purpose by the notification issued under rule 6(1).
- (5) Any claim or objection which is not lodged within the period, or in the form and manner herein specification or if lodged by a person not entitled to lodge the same, shall be rejected.
- (6) If an objection or claim is presented by a person to an Authority who is not authorized to receive it, such Authority shall at once return it to the person presenting it for presentation to the appropriate Authority.

8. Procedure for Authorised Officers and Registration Officers:

- (1) **Authorised Officers:** Every Officer, authorised under sub-rule (4) of Rule 7 shall maintain in duplicate a list of claims in form VIII, a list of objections to the inclusion of names in form IX, and a list of objections to particulars in Form X entering therein the particulars of every claim or objection, as the case may be as and when it is received. A copy of each such list shall be exhibited on a notice board in his office.

Where a claim or objection is presented to him, he shall after complying with the requirements above, forward it with such remarks, if any, as he considers proper to the Registration Officer.

- (2) **Registration Officer:** The Registration Officer also shall maintain in duplicate the three lists in Forms VIII, IX and X, entering thereon the particulars of every claim or objection as and when it is received by him whether directly under rule 7 (4) or on being forwarded under rule 8(1) and keep exhibited one copy of each such list on a notice board in his office.

9. Disposal of Claims and Objections:

- (1) Where a claim or objection is not disposed of under sub-rule (5) or sub-rule (6) of rule 7 and the period prescribed for the presentation of claims and objections has expired and the Registration Officer feels that further enquiry is required, the Registration Officer shall specify in the list exhibited under sub-rule (2) of Rule 8 the date, time and place of hearing of the claim or objection and give notice of hearing. One copy of the notice under this sub-rule shall be served on the person regarding whom it is made in Form XI in case of claim, Form XII in case of an objection, Form XIII to the person objection has been made and Form XIV in case of an objection to particulars in an entry.

Provided in all such cases where the Registration Officer is satisfied as to the validity of the claim and there is no written demand for inquiry, he may allow it without further inquiry after the expiry of one week from the date on which it is entered in the list exhibited by him under rule 8(2).

- (2) On the date and at the place fixed under sub-rule (1), the Electorate Registration Officer shall hear and decide the claims and objections according to their merits after hearing the parties concerned or their authorized agents and, in the case of a claim any

person who objects to the admission of such a claim and after considering such evidence as may be produced or may appear necessary to him. He shall-

- (a) reject any claim or objection which does not comply with any of the provisions of these rules or pass such orders as he may deem fit;
- (b) dismiss any case in which the claimant or objector is not present or is not represented.
- (3) Any person aggrieved by any such order may, within five days from the date of order apply to the Appellate Authority, which may be the Commission or any other authority as prescribed by the Commission by a notification, for revision and the Appellate Authority may as far as practicable, within ten days confirm such order, or set it aside or pass such other order with respect to the claim or objection as he may deem fit.
- (4) The decision of the Appellate Authority on appeal, and subject to such decision, the order of the Registration Officer under sub-rule (2) shall be final

10. Final Publication of Roll:

- (1) The Registration Officer shall thereafter
 - (a) prepare a list of amendments to carry out his decisions or the decisions of the Appellate Authority under rule 9 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll.
 - (b) publish the roll, together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice in Form XV.
- (2) Any roll published/republished under the provisions of sub-rule (1), with or without a list or additions and corrections, shall come into force from the date of such publication/republication.

11. Revision of Rolls:

The roll shall be: -

- (1) Unless otherwise directed by the State Election Commission, Nagaland be revised in the prescribed manner before each general election to a Municipality and for any constituency before a bye-election to fill a casual vacancy in such a constituency: .

Provided that if for any reason the electoral roll is not revised the validity or continued operation of the existing electoral roll Shall not thereby, be affected;

Provided that, subject to other provisions of these rules, the electoral roll for the constituency as in force at the time of the issue of any such direction shall continue to be in force unto the completion of the special revision so directed.

- (2) The roll for every constituency shall be revised under sub-rule (1) either intensively or summarily, as the State Election Commission, Nagaland may direct.
- (3) Where the roll or any part thereof is to be revised intensively it shall be prepared afresh and rules 5 to 10 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.
- (4) When the roll or any part thereof is to be revised summarily, the Electoral Registration Officer shall cause to be prepared a list of amendments to the relevant parts of the roll on the basis of such information as may be readily available and publish the roll together with the list of amendments in draft; and the provisions of rules 4 to 10 shall apply in relation to such revisions as they apply in relation to the first preparation of a roll.
- (5) Where at any time, between the publication of draft of the revised roll under sub-rule (3) read with rule 6 or of the roll and the list of amendments under sub-rule (4) and the final publication of the same under rule 10, any names have been decided to be included in the roll for the time being in force under rule 13 the Electoral Registration Officer shall cause the name to be included also in the revised roll unless there is in his opinion, any valid objection to such inclusion.

12. Correction of Entries in Electoral Roll:

Every application under section 36¹ of the Act shall be made to the Electoral Registration Officer in such manner as may be prescribed by the Commission.

13. Inclusion of names in the roll finally published:

Any person, whose name is not included in the roll of a constituency as finally published under rule 10, may apply in the manner hereinafter provided for the inclusion of his name in that roll.

14. Manner for making application for correction of entries and inclusion of name in the roll:

- (1) An application under rule 12 or 13 shall be made in duplicate in such one of the forms III, V, VI or VII, as may be appropriate and shall be accompanied by a fee of one rupee:

Provided that such application shall be addressed to the Electoral Registration Officer of the concerned municipality and presented to him at any time not later than four days from the date of publication of the election program under rule 20 excluding the date of publication.

- (2) The fee specified in sub-rule (1) shall be-
- (a) paid by means of non-judicial stamps; or
 - (b) deposited in a government treasury or the State Bank of India in favour of the Electoral Registration Officer concerned; or
 - (c) paid in Cash against proper receipt to the Electoral Registration Officer concerned or to any other officer authorized by him, in this behalf; and shall not be refundable.
- (3) Where the fee is deposited under clause (b) of sub-rule (2), the applicant shall enclose with the application a Government treasury receipt and where the fee is paid in cash under clause (c) of sub-rule (2), the applicant shall enclose with the application, the proper receipt issued by the Electoral Registration Officer or the Officer authorized by
-

If the electoral registration officer, on an application made to him or on his own motion, is satisfied after such enquiry as he thinks fit, that any entry in the electoral roll for any ward-

- (a) is erroneous or defective in any particular; or*
- (b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of residence within such ward; or*
- (c) should be deleted on the ground that the person concerned is dead or ceased to be ordinarily resident within such ward or is otherwise not entitled to be registered in that the electoral registration officer shall, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, amend, transpose or delete the entry;*

Provided that before taking any action on the ground specified in clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident within such ward or that he is otherwise not entitled to be registered in the electoral roll of such ward, the electoral registration officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

him in this behalf to receive the fee in cash, in proof of the fee having been deposited or paid in cash by him

- (4) The Electoral Registration Officer shall, immediately, on receipt of such application, direct that one copy thereof be pasted in some conspicuous place in his office together with a notice inviting objections to such applications within period of seven days from the date of such posting.
- (5) The Electoral Registration Officer shall after the expiry of the period specified in sub rule (4) consider the objections, if any, received by him and shall, if satisfied that the applicant is entitled to be registered in the roll direct his name to be included therein before the last date for making notification for election to that constituency:

Provided that if the applicant is registered in the roll of any other constituency, the Electoral Registration Officer shall inform the Electoral Registration Officer concerned of that constituency and the latter shall on receipt of such information, strike off the name of the applicant from that roll.

15. Appeal:

- (1) Where an application made under rule 13 or 14 is rejected, an appeal shall lie within a period of ten days from the date of rejection, to the Appellate Authority, which may be the Commission or any other Authority as prescribed by the Commission.
- (2) Every appeal under sub-rule (1) shall be
 - (a) in the form of a memorandum signed by the applicant;
 - (b) accompanied by a copy of the order appealed against; and
 - (c) accompanied with fee of five rupees which shall be paid by means of non-judicial stamps or in cash or in such other manner as directed by Commission.
- (3) The decision in appeal shall be final.
- (4) The Electoral Registration Officer shall cause such amendments to be made in the roll as may be necessary to give effect to the decision of the Appellate Authority.

16. Custody and preservation of rolls and connected papers:

- (1) After the roll for a Municipality or any of its constituency has been finally published the following papers shall be kept in the office of the Electoral Registration Officer or at such other place as the State Election Commission, may by order specify until the expiration of one year after the completion of the next intensive revision of that roll:
 - (a) One complete copy of the roll;

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